

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

**NANCY A. BOYNTON AND
PATRICIA BEEKES**
Plaintiffs

Vs.

**FEDERAL HOUSING FINANCE
AGENCY, FEDERAL NATIONAL
MORTGAGE ASSOCIATION, AND
SANTANDER BANK, N.A.**
Defendants

Civil Action No. C.A. No. 15-cv-350

PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN OBJECTION TO
FANNIE MAE'S MOTION FOR SUMMARY JUDGMENT

The Plaintiffs file this supplemental memorandum of law to inform the court that they intend to withdraw their argument in section II of their Objection to Fannie Mae's Motion for Summary Judgment, from the bottom of page 5 to the top of page 9. On or about August 15, 2017, Santander Bank, N.A. provided documents in response to the Plaintiffs' Notice of Error, including monthly statements and account history statements. After reviewing the documents that Santander provided, the Plaintiffs concede that there is no genuine issue that the notice Santander provided in December 2016 strictly complied with paragraph 22 of the Mortgage.

The Plaintiffs continue to oppose Fannie Mae's Motion for Summary Judgment for the reasons stated in Section I of their Objection, arguing that summary judgment should be denied because Fannie Mae failed to provide a notice that complies with paragraph 22 prior to filing the counterclaim for judicial foreclosure, and Section III of their Objection, arguing that if judgment for foreclosure is warranted, that the Court should order a foreclosure sale under the supervision of the Court in accordance with equitable principles explained in that section. The Plaintiffs also

do not intend to waive any potential cause of action for damages under the Real Estate Settlement Procedures act for Santander's delay in responding to the Plaintiffs' Notice of Error.

Respectfully submitted,

Nancy A. Boynton and
Patricia Beekes
By Their Attorneys,

/s/ Jeffrey C. Ankrom
Jeffrey C. Ankrom, Esq. (#7663)
Rhode Island Legal Services
56 Pine Street, Suite 400
Providence, RI, 02903
(401) 274-2652, ext. 138
(401) 272-4280 fax
jankrom@rils.org

/s/ Steven Fischbach, Esq.
Steven Fischbach, Esq. (#3259)
Rhode Island Legal Services
56 Pine Street, Suite 400
Providence, RI, 02903
(401) 274-2652, ext. 182
(401) 272-4280 fax
sfischbach@rils.org

Dated: August 30, 2017

CERTIFICATE OF SERVICE

This is to certify that on August 30, 2017, I served a copy of the Motion for

Summary Judgment through the court's CM/ECF system:

Samuel Bodurtha, Esq.
Ethan Tieger, Esq.
Hinshaw & Culbertson, LLP
321 South Main Street, Suite 301
Providence, RI 02903

Matthew Kane, Esq.
Laredo & Smith, LLP
101 Federal Street Suite 650
Boston, MA 02110

/s/ Jeffrey C. Ankrom, Esq.
Jeffrey C. Ankrom, Esq.